

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TRENTON SILDACK,

Plaintiff,

No. 11-12939

v.

District Judge Denise Page Hood
Magistrate Judge R. Steven Whalen

CORIZON HEALTH, INC., ET AL.,

Defendants.

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SUPPLEMENTAL REPORT AND RECOMMENDATION

I.

On March 6, 2013, I ordered Plaintiff to show cause why the following nine Defendants should not be dismissed for Plaintiff's failure to prosecute: Gary Baker, Diane Scharz, Phillip Ruede, Martha Murphy, Nelda Pula, Christine Stewart, William Warren, Barry Davis and Annette Miller. [Doc. #122].

On March 8, 2013, Plaintiff filed a response to the show cause order, stating that (1) he does not object to the dismissal of the above Defendants who were the subject of the show cause order, and (2) he further stipulates to the dismissal of the following set of Defendants: Donna Croston, Jodi Nakata, Gary Freytag, David Kihm, Donna Kovar, Donna Quinlan, Cathy Pope, Mary Ann Roose, Tracie Hill, Haresh Pandya, Jamie Monville, Carol Howes and Valerie Bradshaw, and Paul LaHaye. [Doc. #125].

On March 12, 2013, I issued a Report and Recommendation [Doc. #127], recommending that the second set of Defendants (except for LaHaye, who was the subject of a separate Report and Recommendation) be dismissed, but omitting the first set of nine Defendants who were the subject of the show cause order.

On or about March 15, 2013, the following 14 Defendants were dismissed: Donna Croston, Jodi Nakata, Valerie Bradshaw, Gary Freytag, Donna Kovar, Donna Quinlan, Cathy Pope, Mary Ann Roose, Tracie Hill, Haresh Pandya, Jamie Monville, Carol Howes and David Kihm. The nine Defendants who were the subject of the show cause order have not been dismissed.

To clear up the confusion (occasioned in no small part by the Plaintiff suing 44 Defendants), I now issue a Supplemental Report and Recommendation that calls for the dismissal of the remaining nine Defendants that Plaintiff agrees should be dismissed.

II.

I therefore recommend that the following nine Defendants be dismissed: Gary Baker, Diane Scharz, Phillip Ruede, Martha Murphy, Nelda Pula, Christine Stewart, William Warren, Barry Davis, and Annette Miller.

Any objections to this Report and Recommendation must be filed within fourteen (14) days of service of a copy hereof as provided for in 28 U.S.C. §636(b)(1) and E.D. Mich. LR 72.1(d)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985); *Howard v. Secretary of HHS*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Filing of objections which raise some issues but fail to raise others with specificity will not preserve all the objections a party might have to this Report and Recommendation. *Willis v. Secretary of HHS*, 931 F.2d 390, 401 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this Magistrate Judge.

Within fourteen (14) days of service of any objecting party's timely filed

objections, the opposing party may file a response. The response shall be not more than twenty (20) pages in length unless by motion and order such page limit is extended by the court. The response shall address specifically, and in the same order raised, each issue contained within the objections.

Date: May 30, 2013

s/ R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record on May 31, 2013, electronically and/or by U.S. Mail.

s/ Michael Williams
Relief Case Manager for the Honorable
R. Steven Whalen